IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

WSOU INVESTMENTS, LLC D/B/A BRAZOS LICENSING AND DEVELOPMENT, Plaintiff, v. DELL TECHNOLOGIES INC., DELL INC., AND EMC CORPORATION, Defendants.	CIVIL ACTION 6:20-CV-00473-ADA CIVIL ACTION 6:20-CV-00474-ADA CIVIL ACTION 6:20-CV-00475-ADA CIVIL ACTION 6:20-CV-00476-ADA CIVIL ACTION 6:20-CV-00477-ADA CIVIL ACTION 6:20-CV-00478-ADA CIVIL ACTION 6:20-CV-00479-ADA CIVIL ACTION 6:20-CV-00482-ADA PATENT CASE JURY TRIAL DEMANDED
WSOU INVESTMENTS, LLC D/B/A BRAZOS LICENSING AND DEVELOPMENT, Plaintiff, v. DELL TECHNOLOGIES INC., DELL INC., EMC CORPORATION, AND VMWARE, INC., Defendants.	CIVIL ACTION 6:20-CV-00480-ADA CIVIL ACTION 6:20-CV-00481-ADA CIVIL ACTION 6:20-CV-00485-ADA CIVIL ACTION 6:20-CV-00486-ADA PATENT CASE JURY TRIAL DEMANDED

JOINT CLAIM CONSTRUCTION STATEMENT

TO THE HONORABLE COURT:

Pursuant to the scheduling orders in these cases, the Parties jointly submit this claim construction statement.

I. GROUP 1: -480, -481, -485, AND -486 CASES

A. -480 Case, U.S. Patent No. 7,539,133

-480 Case, U.S. Patent No. 7,539,133 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"whether a congestion condition exists [on/for] the egress node" (Claims 1, 12, and 13) (Proposed by Defendants)	Plain and ordinary meaning	"whether the egress node is currently congested"

-480 Case, U.S. Patent No. 7,539,133 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"processing the packets" (Claims 1, 12, and 13) (Proposed by Defendants)	Plain and ordinary meaning	"modifying, at the ingress node, the queuing priority of packets destined for the egress node"

-480 Case, U.S. Patent No. 7,539,133 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"such that packets associated with egress nodes for which the congestion condition does not exist have a different queuing priority within the load balancing network than packets associated with egress nodes for which the congestion condition exists" (Claims 1, 12, and 13) (Proposed by Defendants)	Plain and ordinary meaning	"such that packets are marked depending on whether they are destined for a congested egress node, such that marked packets have a different probability of being dropped"

-480 Case, U.S. Patent No. 7,539,133 (Agreed Function; Disputed Structure)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"means for determining, for each packet, whether a congestion condition exists on the egress node" (Claim 12) (Claims 1, 12, and 13) (Proposed by both Parties)	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** determining, for each packet, whether a congestion condition exists on the egress node	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** determining, for each packet, whether a congestion condition exists on the egress node **Structure:** Indefinite

	Structure: processor 210 performing operations at '133 patent, 5:11-20	

-480 Case, U.S. Patent No. 7,539,133 (Agreed Function; Disputed Structure)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"means for processing the packets such that packets associated with egress nodes for which the congestion condition does not exist have a different queuing priority within the load-balancing network than packets associated with egress nodes for which the congestion condition exists" (Claim 12) (Proposed by both Parties)	This term is subject to 35 U.S.C. § 112, ¶ 6. **Function:** processing the packets such that packets associated with egress nodes for which the congestion condition does not exist have a different queuing priority within the load-balancing network than packets associated with egress nodes for which the congestion condition exists **Structure:** processor 210 which marks packets in a manner that differentiates queuing priority based on whether the packets are associated with egress nodes for which the congestion condition exists	This term is subject to 35 U.S.C. § 112, ¶ 6. **Function:** processing the packets such that packets associated with egress nodes for which the congestion condition does not exist have a different queuing priority within the load-balancing network than packets associated with egress nodes for which the congestion condition exists **Structure:** processor 210 which marks the packets such that marked packets have a different probability of being dropped than unmarked packets

B. -481 Case, U.S. Patent No. 9,164,800

-481 Case, U.S. Patent No. 9,164,800 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"latency cost" (Claims 1, 13) (Proposed by Defendants)	Plain and ordinary meaning	"communication delay between a compute node and a data node"

-481 Case, U.S. Patent No. 9,164,800 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"[determining/determine] an assignment objective" (Claims 1, 13) (Proposed by Defendants)	Plain and ordinary meaning	"select[ing] one of a plurality of assignment objectives"

C. -485 Case, U.S. Patent No. 7,636,309

-485 Case, U.S. Patent No. 7,636,309 (Agreed)	
Claim Term/Phrase	**Agreed Construction**
"split ratio vector" (Claims 1, 11, and 16) (Proposed by Defendants)	"the proportion of the flow routed in each path"

D. -486 Case, U.S. Patent No. 7,092,360

-486 Case, U.S. Patent No. 7,092,360 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"said element comprises: an element for recording whether a queue is empty or occupied, an element for recording the [number of data cells/quantity of data] contained in a queue, an element identifying a queue from which data is to be output, and an element identifying a group of queues from which data is to be output" (Claims 1 and 26) (Proposed by Defendants)	Plain and ordinary meaning	"said element includes ***all of***: an element for recording whether a queue is empty or occupied, an element for recording the quantity of data contained in a queue, an element identifying a queue from which data is to be output, and an element identifying a group of queues from which data is to be output"

-486 Case, U.S. Patent No. 7,092,360 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"expected state for said element"; "predetermined state for said element"; "expected value of said parameter"; "expected states for that element"; "expected status for said element"; "expected state of said first element" (Claims 1, 3, 12, 13, 18, 21, 24, 26, 28, 29, 48, and 49) (Proposed by Defendants)	Plain and ordinary meaning	"a [state/value] for the [element/parameter] that would be expected if the scheduler is functioning properly"

-486 Case, U.S. Patent No. 7,092,360 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"computer generated model" (Claims 1, 18, 21, 26, 44, and 45) (Proposed by Defendants)	Plain and ordinary meaning	"a simulated computer model of circuitry describing a scheduler"

-486 Case, U.S. Patent No. 7,092,360 (Agreed Function; Disputed Structure)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"detection means for detecting a state of an element" (Claims 1 and 18)[1] (Proposed by Defendants)	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** detecting a state of an element **Structure:** module 110, 112, 114, 115, 118, 120, 122, 124, 126, 128, or 130	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** detecting a state of an element **Structure:** modules 110, 112, 114 . . . to 130 using a programming language interface (PLI) as described in '360 patent, 12:11–41

-486 Case, U.S. Patent No. 7,092,360 (Agreed Function; Disputed Structure)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"comparing means for comparing the detected state with a predetermined state for said element and for outputting the result of the comparison" (Claim 1)[2]	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** comparing the detected state with a predetermined state for said	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** comparing the detected state with a predetermined state for said

[1] Defendants briefed this term as representative of the following terms that are materially the same: "means for requesting said scheduler model to pass the status of said element to said monitor" (claim 1); "monitoring means for monitoring a parameter relating to the operation of said scheduler" (claim 3); and "means for detecting the state of at least one element of said scheduler whose state depends on which queue is selected by said scheduler for outputting a test cell" (claim 24). *E.g.*, No. 6:20-cv-00480, D.I. 82 at 8 n.5. WSOU never disputed in either of its briefs the representativeness of the term. *Id.*, D.I. 80 at 6–8; *Id.*, D.I. 83 at 5–6.

[2] Defendants briefed this term as representative of claim 24, which recites materially the same limitation as claim 1: "a monitor having . . . comparison means for at least one of: comparing the detected element status with an expected status for said element based on the detected queue identity and comparing the detected queue identity with an expected queue identity based on the detected status of said element." Defendants likewise briefed this term as representative of the following: "comparison means for comparing the detected parameter with said expected

(Proposed by Defendants)	element and for outputting the result of the comparison **Structure:** rule checker 132	element and for outputting the result of the comparison **Structure:** Indefinite

-486 Case, U.S. Patent No. 7,092,360 (Agreed Function; Disputed Structure)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"determining means for determining an expected value of said parameter" (Claim 18) (Proposed by Defendants)	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** determining an expected value of said parameter **Structure:** operation(s) which apply one or more rules interrelating "the detected" state and the "expected value," as explained, for example, at 6:34-37, 6:45-58, and 9:12-11:60	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** determining an expected value of said parameter **Structure:** Indefinite

-486 Case, U.S. Patent No. 7,092,360 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"element for recording whether a queue is empty or occupied" (claims 1, 5, 6, 7–9, 14–15, 20, 25, 26, 30, 33–35, and 38) (Proposed by Defendants)	No construction required apart from finding this term is not subject to 35 U.S.C. § 112, ¶ 6. Alternatively, if deemed subject to 35 U.S.C. § 112, ¶ 6, then, **Function:** recording whether a queue is empty or occupied. **Structure:** data storage within a scheduler, such as, for example, queue status register 165, 167, 201, or 203	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** recording whether a queue is empty or occupied **Structure:** queue status register 165, 167, 201, or 203

-486 Case, U.S. Patent No. 7,092,360 (Disputed)

parameter and for outputting the result of the comparison" (claim 18); and "means for detecting the state of an element of said scheduler at a plurality of different times and comparing the detected states with expected states and outputting the result of said comparison" (claim 21). *E.g.*, No. 6:20-cv-00480, D.I. 82 at 12 n.9. WSOU never disputed in either of its briefs the representativeness of the term. *Id.*, D.I. 80, 8–10; *Id.*, D.I. 83 at 6–7.

Claim Term/Phrase	Plaintiff's Construction	Defendants' Construction
"an element for recording the [number of [data] cells/quantity of data] contained in a queue" (claims 1, 9, 20, 26, 30, and 38[3])[4] (Proposed by Defendants)	No construction required apart from finding this term is not subject to 35 U.S.C. § 112, ¶ 6. Alternatively, if deemed subject to 35 U.S.C. § 112, ¶ 6, then, **Function:** recording the [quantity of data / number of cells / number of data cells] contained in a queue; **Structure:** data storage within a scheduler, such as, for example, counter 169, 205, or 207	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** recording the [quantity of data/number of data cells] contained in a queue **Structure:** counter 169, 205, or 207

-486 Case, U.S. Patent No. 7,092,360 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"an element identifying a queue from which data is to be output" (claims 1 and 26[5])[6]	No construction required apart from finding this term is not subject to 35 U.S.C. § 112, ¶ 6. Alternatively, if deemed	This term is subject to 35 U.S.C. § 112, ¶ 6

[3] Defendants briefed this term as representative for claims 1, 5, 6, 7–9, 14–15, 20, 25, 26, 30, 33–35, and 38. *E.g.*, No. 6:20-cv-00480, D.I. 82 at 17; *Id.*, D.I. 86 at 9. WSOU never disputed in either of its briefs that each claim recites materially the same term, but requested that claims 5–6, 1415, and 33–35 be deleted from this Joint Claim Construction Statement. *Id.*, D.I. 80 at 14; *Id.*, D.I. 83 at 10–11. WSOU argues for the first time that Defendants "improperly conflate these expressly distinct terms into one," but offers no explanation at all.

[4]As explained in WSOU's opening brief, and reiterated in its reply brief, WSOU objects to the inclusion of these additional and distinct terms because Dell offers these additional terms for construction in excess of the Court's Order limiting the total number of disputed terms to no more than thirty-six across all cases. Br. 13, 15; Reply at 10. WSOU further objects to Dell's attempt to improperly conflate these expressly distinct terms into one. *Id.*

[5] Defendants briefed this term as representative for claims 1, 26, 5, 20, and 30. *E.g.*, No. 6:20-cv-00480, D.I. 82 at 18; *Id.*, D.I. 86 at 9. WSOU never disputed in either of its briefs that each claim recites materially the same term, but requested that claims 5, 20, and 30 be deleted from this Joint Claim Construction Statement. *Id.*, D.I. 80 at 15; *Id.*, D.I. 83 at 11. WSOU argues for the first time that Defendants "improperly conflate these expressly distinct terms into one," but offers no explanation at all.

[6] WSOU raises the same objections for these terms, which Dell neglected to separately count against the total limit, as set forth in note 1, *supra*.

(Proposed by Defendants)	subject to 35 U.S.C. § 112, ¶ 6, then, **Function:** identifying a queue from which data is to be output **Structure:** data storage within a scheduler, such as, for example, pointer 177, 179, 181, 183, 209, 211, 213, or 215	**Function:** identifying a queue from which data is to be output **Structure:** pointer 177, 179, 181, 183, 209, 211, 213, or 215

-486 Case, U.S. Patent No. 7,092,360 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"an element indicating a group of queues from which data is to be output" (claims 126[7])[8] (Proposed by Defendants)	No construction required apart from finding this term is not subject to 35 U.S.C. § 112, ¶ 6. Alternatively, if deemed subject to 35 U.S.C. § 112, ¶ 6, then, **Function:** identifying a queue from which data is to be output **Structure:** priority selector 173 or 208	This term is subject to 35 U.S.C. § 112, ¶ 6 **Function:** [identifying/indicating] a group of queues, from which data is to be output **Structure:** Indefinite

[7] Defendants briefed the term "an element [identifying/indicating] a group of queues from which data is to be output" as representative for claims 1, 5, 9, 14–15, 20, 26, 30, 33, 35, and 38. *E.g.*, No. 6:20-cv-00480, D.I. 82 at 19; *Id.*, D.I. 86 at 10. WSOU never disputed in either of its briefs that each claim recites materially the same term, but requested that claims 5, 9, 14–15, 20, 30, 33, 35, and 38 be deleted from this Joint Claim Construction Statement. *Id.*, D.I. 80 at 15–16; *Id.*, D.I. 83 at 11–13. WSOU argues for the first time that Defendants "improperly conflate these expressly distinct terms into one," but offers no explanation at all.

[8] WSOU raises the same objections for these terms, which Dell neglected to separately count against the total limit, as set forth in note 1, *supra*. WSOU further objects to Dell's belated argument, raised for the first time in its reply brief, that the scope of the dispute should also encompass distinct phrases of other claims which do not recite "an element identifying."

II. GROUP 2: -473 AND -478 CASES

A. -473 Case, U.S. Patent No. 9,137,144

-473 Case, U.S. Patent No. 9,137,144 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"group of communication traffic" (claims 1, 4, 11, 12, 14) (Proposed by Defendants)	Plain and ordinary meaning	"traffic in a VLAN or other identifiable communications group"

-473 Case, U.S. Patent No. 9,137,144 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"V is a group identifier corresponding to the group of communication traffic" (claims 1, 11, 14) (Proposed by Defendants)	Plain and ordinary meaning	Plain and ordinary meaning; but the group identifier cannot be a hash value based on packet fields such as source address and destination address

B. -478 Case, U.S. Patent No. 7,126,921

-478 Case, U.S. Patent No. 7,126,921 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"fast propagation" (claims 1, 9, & 17) (Proposed by Defendants)	Plain and ordinary meaning	Indefinite In the alternative this means "much faster than using the computing means, e.g. by using OSPF routing protocol"

-478 Case, U.S. Patent No. 7,126,921 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"data plane means for forwarding packets between the nodes" (claim 1) / "data plane means for forwarding packets to other nodes in the network" (claims 9 & 17) (Proposed by both Parties)	Subject to means-plus-function construction. **Claim 1** **Function**: forwarding packets between the nodes **Structure**: 4:44-60 (link interface 216 and switching fabric 214); and equivalent structures **Claim 9 & 17**	This term is subject to 35 U.S.C. § 112, ¶ 6. **Claim 1** **Function*:*** forwarding packets between the nodes **Structure*:*** Data plane 202 (distinct from the computing means) including switching fabric 214 and link interface 216; and equivalent structures

	Function*:* forwarding packets to other nodes in the network **Structure*:*** 4:44-60 (link interface 216 and switching fabric 214); and equivalent structures	**Claim 9 & 17** **Function*:*** forwarding packets to other nodes in the network **Structure*:*** Data plane 202 (distinct from the computing means) including switching fabric 214 and link interface 216; and equivalent structures

-478 Case, U.S. Patent No. 7,126,921 (Agreed)	
Claim Term/Phrase	**Agreed Construction**
"computing means for control of the nodes" (Claim 1) "computing means for controlling the node" (Claims 9 & 17) (Proposed by both Parties)	Subject to means-plus-function construction. **Function (Claim 1)**: control of the nodes **Function (Claims 9 & 17)**: controlling the node **Structure (Claims 1, 9, & 17)**: CPU 206; and equivalent structures

-478 Case, U.S. Patent No. 7,126,921 (Agreed)	
Claim Term/Phrase	**Agreed Construction**
"means for fast propagation of node related information between the data plane means in each node and forwarding the information to the computing means in the network" (Claim 1) "means for fast propagation of node related information to and from the data plane means in other nodes in the network and forwarding the information to the computing means" (Claims 9 & 17) (Proposed by both Parties)	Subject to means-plus-function construction. **Function (Claim 1)**: fast propagation of node related information between the data plane means in each node and forwarding the information to the computing means in the network **Function (Claims 9 & 17)**: fast propagation of node related information to and from the data plane means in other nodes in the network and forwarding the information to the computing means **Structure (Claims 1, 9, & 17)**: 3:19-52 (switching fabric 214 and link interface 216; wherein the link interface comprises a fast link state processor (FSLP) 218 and a link failure database (LFDB) structure 228), 4:1-4, 7:18-20 (forwarding to CPU over link 236); and equivalent structures

-478 Case, U.S. Patent No. 7,126,921 (Agreed)	
Claim Term/Phrase	**Agreed Construction**
"means for fast propagation of link state information"	Subject to means-plus-function construction.

(Claims 1, 9 & 17) (Proposed by Defendants)	**Function**: fast propagation of link state information **Structure**: 7:60-8:3 (Fast Link State Processor (FLSP) 218, Fabric Interface 226 and Switch Fabric 214 structure), 8:21-27; and equivalent structures

-478 Case, U.S. Patent No. 7,126,921 (Agreed)	
Claim Term/Phrase	**Agreed Construction**
"the data, plane means" (Claim 9) (Proposed by Plaintiff)	"the data plane means"

III. GROUP 3: -477 AND -482 CASES

A. -477 Case, U.S. Patent No. 8,913,489

-477 Case, U.S. Patent No. 8,913,489 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"the first set of port interfaces of the multi-chassis link aggregate" (claims 1, 8, 15) (Proposed by Defendants)	Plain and ordinary meaning	Indefinite

B. -482 Case, U.S. Patent No. 7,424,020

-482 Case, U.S. Patent No. 7,424,020 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"removing, at the network node, the protocol data of a portion of protocol layers from the received data stream" (claim 1) / "removes protocol data from a portion of protocol layers from a data stream" (claim 6) (Proposed by Defendants)	Plain and ordinary meaning	Indefinite

-482 Case, U.S. Patent No. 7,424,020 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"a control unit which removes protocol data from a portion of protocol layers from a data stream received from the communication	Plain and ordinary meaning; not indefinite under *IPXL*	Indefinite. In the alternative: this term is subject to 35 U.S.C. § 112, ¶ 6.

network via the second interface, the data stream comprising useful data and the protocol data, and switches a remaining data stream to be transmitted to one of the terminals via the first interface" (claim 6) (Proposed by Defendants)		**Function**: [1] removes protocol data from a portion of protocol layers from a data stream received from the communication network via the second interface, the data stream comprising useful data and the protocol data, and [2] switches a remaining data stream to be transmitted to one of the terminals via the first interface **Structure**: control unit CONTR executing function PHN, containing processes P1 to P3 and function SW; and equivalent structures

-482 Case, U.S. Patent No. 7,424,020 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"bus system" (claims 1 and 6) (Proposed by Defendants)	Plain and ordinary meaning	"a network that does not include any active components such as switching nodes, gateways, routers, or bridges, wherein all nodes are connected to a single wire"

IV. GROUP 4: -474, 475, -476, AND -479 CASES

A. -474 Case, U.S. Patent No. 7,212,536

-474 Case, U.S. Patent No. 7,212,536 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"bridge" (claims 1, 12) (Proposed by Defendants)	Plain and ordinary meaning	"a network interface device that operates no higher than the data link layer"

-474 Case, U.S. Patent No. 7,212,536 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"channel in a connection based network" (claims 1, 12) (Proposed by Defendants)	Plain and ordinary meaning	"one of the paths that has been established in a network for communications"

-474 Case, U.S. Patent No. 7,212,536 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"forwarding system configured to read a priority of a data frame to be forwarded onto the connection-based network by way of the first one of the ports, identify a service interface which the map indicates corresponds to the read user priority and forward the data frame over the channel in the connection-based network associated with the identified service interface" (claim 1) (Proposed by Defendants)	Plain and ordinary meaning	This term is subject to 35 U.S.C. § 112, ¶ 6. **Function**: read a priority of a data frame to be forwarded onto the connection-based network by way of the first one of the ports, identify a service interface which the map indicates corresponds to the read user priority and forward the data frame over the channel in the connection-based network associated with the identified service interface **Structure**: Indefinite

-474 Case, U.S. Patent No. 7,212,536 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"means for reading priorities of data frames directed by the bridge to at least a first one of the bridge ports" (claim 12) (Proposed by both Parties)	Subject to means-plus-function construction. **Function**: reading priorities of data frames directed by the bridge to at least a first one of the bridge ports **Structure**: bridge, with bridging system and bridge port, and equivalents thereof **Algorithm (if required)**: *see e.g.*, 4:26-37, 5:40-55, 6:4-14, 6:15-42, 7:23-44, 8:21-28, Figs. 1, 2, 4, 5A-I, 6, and equivalents thereof.	This term is subject to 35 U.S.C. § 112, ¶ 6. **Function**: reading priorities of data frames directed by the bridge to at least a first one of the bridge ports **Structure**: Indefinite

B. -475 Case, U.S. Patent No. 7,453,888

-475 Case, U.S. Patent No. 7,453,888 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**

"stackable trunk port" (Claims 1, 8, 9, 10, 11–13, 15, 19, 20) (Proposed by Defendants)	Plain and ordinary meaning	"trunk port supporting the Riverstone solution (i.e. the additional extension 802.1Q packet header)"

-475 Case, U.S. Patent No. 7,453,888 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"backbone VLAN trunk" (Claims 1, 5–7, 12, 15–20) (Proposed by Defendants)	Plain and ordinary meaning	"data transport trunk links defined between stackable trunk ports on core routers"

-475 Case, U.S. Patent No. 7,453,888 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"wherein the selection and association of at least one backbone VLAN ID with each one of the corresponding plurality of backbone VLAN trunks is undertaken irrespective of one of an in-use and a stand-by designation of each one of the plurality of backbone VLAN trunks and each one of the plurality of stackable trunk ports" (claim 1) / "wherein the association of the plurality of backbone VLAN IDs with the backbone VLAN trunk is undertaken irrespective of one of an in-use and a stand-by designation of the backbone VLAN trunk and the at least one stackable trunk port" (claim 15) (Proposed by Defendants)	Plain and ordinary meaning	"wherein the provisioning method ignores the designation of a backbone VLAN trunk as in-use or stand-by when associating the backbone VLAN ID with the backbone VLAN trunks (as opposed to, during association of VLANs with trunks, explicitly designating physical VLANs associated with a logical VLAN as in-use and explicitly designating other physical VLANs associated with the logical VLAN as back-up)"

C. -476 Case, U.S. Patent No. 7,565,435

-476 Case, U.S. Patent No. 7,565,435 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**

"setting the IPPC of one of the ports of one of said bridges within the MSTI to a lower IPPC when said port is part of the VLAN member set" (claims 1, 8, 13) (Proposed by Defendants)	Plain and ordinary meaning	order of steps The setting of the IPPC to a lower IPPC must occur after the creation and configuration of the Multiple Spanning Tree Instances step and after the creation of the VLAN member sets step

-476 Case, U.S. Patent No. 7,565,435 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"ideally" (claims 7, 11, 18) (Proposed by Defendants)	Plain and ordinary meaning	Indefinite

-476 Case, U.S. Patent No. 7,565,435 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"processing unit for setting the Internal Port Path Cost (IPPC) of one of the ports of one of said bridges within the MSTI to a high IPPC when said port is not part of the VLAN member set" (claim 8) / "processing unit for setting the IPPC of one of the ports of one of said bridges within the MSTI to a lower IPPC when said port is part of the VLAN member set" (claim 8) (Proposed by Defendants)	Plain and ordinary meaning	This is subject to 35 U.S.C. § 112, ¶ 6. **Function**: setting the Internal Port Path Cost (IPPC) of one of the ports of one of said bridges within the MSTI [to a high IPPC when said port is not part of the VLAN member set / to a lower IPPC when said port is part of the VLAN member set] **Structure**: Indefinite

-476 Case, U.S. Patent No. 7,565,435 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
Entirety of claims 9–11 and 13–18 (Proposed by Defendants)	Plain and ordinary meaning	Indefinite

D. -479 Case, U.S. Patent No. 8,402,129

-479 Case, U.S. Patent No. 8,402,129 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**

"rate of change" (claim 3) (Proposed by Defendants)	Plain and ordinary meaning	Plain and ordinary meaning; not an instantaneous value measured at a fixed point in time

-479 Case, U.S. Patent No. 8,402,129 (Disputed)		
Claim Term/Phrase	**Plaintiff's Construction**	**Defendants' Construction**
"initiating a poll of resources in the nodes of the network by the management station in response to reporting from the node or a time interval being exceeded" (claim 3) (Proposed by Defendants)	Plain and ordinary meaning	Both of these events trigger a poll[9]

Dated: April 19, 2021

[9] As stated in Defendants' briefing, Defendants are amenable to replacing "trigger" with "initiate." D.I. 85 at 38 n.25. In addition, Defendants would be satisfied with a construction that "management station" means "a management station that is capable of initiating a poll in response to both reporting from the node and a time interval being exceeded." D.I. 90 at 19 n.16.

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CERTIFICATE OF SERVICE

The undersigned certifies that on April 19, 2021, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(b)(1).

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